

**THE CITY COUNCIL  
GRAND FORKS, NORTH DAKOTA  
1997**

**PROCEEDINGS OF  
OF THE CITY OF  
Tuesday, May 27,**

The city council of the city of Grand Forks, North Dakota met in its adjourned session in the council chambers in City Hall on Tuesday, May 27, 1997 at the hour of 5:00 o'clock p.m. with Mayor Owens presiding. Present at roll call were Council Members Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; absent: none; 1 seat vacant.

Mayor Owens announced that anyone wishing to speak to any item may do so by being recognized prior to a vote being taken on the matter.

**ADOPT ORDINANCE NO. 3645, TO ANNEX ALL  
OF LONGVIEW ADDITION, INCLUDING 32ND AVENUE  
SOUTH R/W ADJACENT THERETO**

An ordinance entitled "An ordinance to annex to the city of Grand Forks, North Dakota all of Longview Addition including 32nd Avenue South right of way adjacent thereto", which had been introduced and passed on its first reading on May 5, 1997, was presented and read for consideration on second reading.

The city auditor reported that the notice to the public that this petition for annexation had been filed with the city council had been published as required.

Mayor Owens called upon the audience to see if there was anyone present who had comments to make on this matter. There were none.

Upon call for the question of adoption of this ordinance and upon roll call vote, the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the ordinance adopted.

**HOLD PUBLIC HEARING ON PROPOSED AMENDMENT TO  
CONSOLIDATED PLAN PRIORITIZING EXPENDITURE OF  
HUD FUNDS**

The city auditor reported that notice of public hearing on the proposed amendment to the City's Annual Action Plan for the Consolidated Plan, which incorporates the Community Development Block Grant (CDBG) Program, had been published as required, and that no comments had been filed with his office.

(The Action Plan is the City's yearly update to its Consolidated Plan, which was approved in FY 1995 as the overall strategy for using HUD funds in Grand Forks for a 5-year period; the amendment will revise the current Action Plan submitted to HUD in November, 1996, in order to provide more assistance for flood recovery, prioritizing the types of activities that

will be funded with CDBG supplemental monies and other HUD funds that the City may receive for disaster assistance, and further that the City does not know the amount of funding it will receive under HUD's supplemental CDBG allocation.)

Mayor Owens called for the public hearing.

John O'Leary, executive director of Urban Development, reported that they have shortened up the citizens' participation process from a 30-day process to a 7-day process and amended the program statement to include a wide variety of things, positioning ourselves to receive the CDBG monies when it becomes available, and would have much greater flexibility under the revised CDBG statement program than previously and shortened public comment period, and he hasn't received any comments.

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Tom Lax asked for more time to think about this. Mr. O'Leary stated that the program statement is not written for specific projects but broadens kinds of activities City can undertake, will not limit what City can do with CDBG funds but gives City more flexibility.

There being no more comments, Mayor Owens closed the public hearing.

It was moved by Council Member Beyer and seconded by Council Member Polovitz to adopt the revised program statement, which amends its Citizen Participation Plan and the 1997 Annual Action Plan to allow the prompt expenditure of its current CDBG allocation, any unobligated prior year CDBG funds, and supplemental HUD monies in order to provide disaster relief. Carried 13 votes affirmative.

#### CLOSE 15-DAY COMMENT PERIOD FOR GRANTEE PERFORMANCE REPORT

The city auditor reported that this was the Grantee Performance Report where public comment period opened in early April prior to the flood, and this is the completion of that.

Mayor Owens called for the public hearing.

Mr. O'Leary reported that his office had published their Grantee Performance Report and 15-day comment period ended during flood, need to close the comment period and conclude public hearing process.

Mayor Owens closed the public hearing.

It was moved by Council Member Hafner and seconded by Council Member Beach to close the comment period. Carried 13 votes affirmative.

#### COMMENTS FROM CONGRESSMAN EARL POMEROY

Congressman Pomeroy who was in the audience stated that week ago he had stated that he was confident that by Memorial Day they would have disaster relief package out of Congress, that he was disappointed in the irresponsible conduct of Congress in leaving town without taking action to get disaster relief to those who so desperately need it. He stated he has been wrestling with how they can constructively channel this energy to

keep pressure on to get the package released as soon as they can as Congress reconvenes next week. He reported that he had neighborhood meeting in Riverside Park area Saturday, that he will be gathering and collecting information and video taping input from individuals whose lives are impacted and take to the conference committee, that they can deal with the disaster but delay and uncertainty are what's killing them. He reported that KCNN also participating in this effort and will have an hour call-in and will include that information in the information packet to be delivered to each conferee and each majority member. He distributed stationery for comments from the public re. "why can't wait"; he asked for council participation in this effort.

Mayor Owens thanked Congressman Pomeroy and stated that the Mr. Pomeroy and Senators Conrad and Dorgan are all working very hard for our community.

#### ADOPT POLICY FOR ON-SITE TRAILERS AND CAMPERS

The Flood Response Committee reported having considered the matter of policy for on-site trailers and campers and recommended adoption of the following policy:

1) that it is permissible to park travel trailers on any residential lot which is serviced by water, sewer and electricity. Acceptable electrical hook-ups include the temporary GFI drop boxes;

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2) that FEMA is requested to install a GFI drop box on any dwelling (regardless of condition) which has a functional water and sewer system;

and further that this policy does not refer to mobile homes.

It was moved by Council Member Glassheim and seconded by Council Member Bakken that this recommendation be and is hereby approved.

Council Member Hamerlik questioned whether this policy should have a sunset clause. Mr. Swanson, city attorney, advised that this is simply a policy statement to provide FEMA with background information and authorization, the actual substantive action with regard to these trailer homes was contained within the ordinance passed three weeks ago waiving various requirements and that does have a sunset clause and authorizes either council or the mayor to draw specific provisions. Carried 13 votes affirmative.

#### ADOPT BUSINESS AND INDUSTRY DISASTER ASSISTANCE PROGRAM

The Flood Response Committee reported having considered the matter of Business and Industry Disaster Assistance Program and recommended adoption of the Program as developed by the Grand Forks Growth Fund to provide assistance to Grand Forks businesses that received physical damage as the result of the flood of 1997 and established the following criteria:

Eligibility requirements:

must be located within the city limits of Grand Forks;  
must have suffered a physical loss as the result of the Flood of 1997;  
must have submitted an application to the Small Business Administration  
under its Disaster Aid Program;  
must have no more than 20 employees;  
Amount: At the discretion of the Grand Forks Growth Fund, eligible  
businesses can receive assistance up to \$20,000;  
Terms: Assistance will be provided in the form of a deferred loan over a  
three year period at an interest rate of 8%. However, if the business  
remains as originally presented for a period of three years, 25% of  
the principal and all of the accrued interest will be forgiven; and  
Security: Loan will be secured by a personal guarantee of the applicant or  
principal owner(s) if applicant is a partnership, corporation, or limited  
liability company.

It was moved by Council Member Glassheim and seconded by Council Member  
Bakken that this recommendation be and is hereby approved.

Council Member Beach suggested a change in criteria for number of  
employees to be 20 full-time equivalent employees as a lot of small  
businesses utilize a lot of part-time help.

Rick Alston, Dakota Systems, stated they had a dike in front of their  
business for quite some time, got very little water in their store but  
economic damage and the program only covers businesses with physical  
damage and asked council to review that.

Mr. O'Leary reported that the rationale on physical vs. economic damage  
was that virtually every business in the city realized some economic  
damage, we're trying to differentiate between those with economic damage  
and those that got wet, that businesses on South Washington had different  
kind of damage than those at Columbia Mall or 32nd Avenue South that were  
closed for some period of time because of loss of power, and people were  
evacuated vs. dike which took period of time to be removed. He stated  
that perhaps there were some gray areas that the council would want to  
consider, particularly the dike situation on South Washington could be  
included as part of the physical damage that businesses

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incurred because it closed down other businesses in town.

Council Member Hagness moved to amend criteria to include that businesses  
must have suffered physical loss or other special circumstances as the  
result of the Flood of 1997, and committee could consider on an individual  
basis; Council Member Hamerlik seconded the motion.

After some discussion it was moved by Council Member Beyer and seconded by  
Council Member Sande that if a loss of power resulted in physical damage  
to a business, that business would qualify.

Mr. O'Leary reviewed process, that staff would review applications and  
approve or disapprove the applications, applicant could appeal to Jobs  
Development Authority. He also noted that if open up to everyone, could  
run into problems with CDBG if can't justify job retention or expansion.

Upon call for the question on the second amendment and upon voice vote,

the motion was defeated.

After further discussion and upon call for the question on the first amendment, and upon voice vote, the motion was defeated.

Council Member Beach moved an amendment to the motion that one of the eligibility requirements be: must have no more than 20 full-time equivalent employees; seconded by Council Member Babinchak.

Upon call for the question on the amendment and upon voice vote, the motion carried.

Upon call for the question on the motion as amended, and upon voice vote, the motion carried 13 votes affirmative.

AUTHORIZE ENGINEER TO SEEK SECOND OPINION  
ON CORPS OF ENGINEERS REPORT ON WATER ISSUE

The Flood Response Committee reported having considered the matter of getting a second opinion on the whole water issue, and recommended that we authorize the city engineer to seek a second opinion upon the Corps of Engineers' report and coordinate outside consultants with the EERC.

It was moved by Council Member Glassheim and seconded by Council Member Bakken that this recommendation be and is hereby approved.

Council Member Glassheim spoke in favor of the motion, stating that this is one of the most important decisions the council is going to be called upon to make ever, and are seeking second opinion to look at Corps' conclusion which is due in 5-10 days, to say that council will pay for a second opinion to review report and to look at any outside things that they feel that the Corps may or may not have missed, that this is sound and prudent thing to do when dealing with hundreds of millions of dollars that we get somebody that doesn't have any interest in the conclusion, and simply reviews figures and approach that the Corps has taken.

Hal Gershman, member of the Mayor's Task Force and chair of the subcommittee on diversion/diking, that they had conference call with Corps, met with Flood Response team last week, and this is prudent thing to do, this is taking Corps' information, looking at it and validating it. He stated that the Mayor's Task Force sanctioned the work of the Flood Response Team in this resolution and urged council to go forward with this.

After further discussion and upon call for the question and upon voice vote, the

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motion carried 13 votes affirmative.

APPROVE BUDGET AMENDMENT

Committee No. 1, Finance, reported having considered a request for budget amendment for business and industry disaster assistance program and

recommended approval of a \$1 million amendment, to set up a transfer from Excess Sales Tax to the Economic Development Fund to Job Development Authority to fund \$2 million business program.

It was moved by Council Member Bakken and seconded by Council Member Babinchak to approve this budget amendment. Carried 13 votes affirmative.

APPROVE REQUEST FOR TRANSFER OF ALCOHOLIC  
BEVERAGE LICENSE FROM 23 SOUTH 3RD STREET  
TO CROWN COLONY COMPLEX CONTINGENT UPON  
CONSENT FROM EXISTING LICENSEE

Committee No. 2, Public Safety, reported having considered the request from WPS, Inc., Whiskey Point Saloon, to move license from 23 South 3rd Street to Crown Colony complex at 4220 5th Avenue North, and recommended to approve transfer of license contingent upon written consent of existing licensee at 4220 5th Avenue North.

It was moved by Council Member Glassheim and seconded by Council member Sande that this recommendation be and is hereby approved. Carried 13 votes affirmative.

RECEIVE AND FILE MATTER OF NOISE AT  
BORROWED BUCKS

Committee No. 2, Public Safety, reported having considered the matter of noise from Borrowed Bucks (sound system), and recommended to receive and file.

It was moved by Council Member Glassheim and seconded by Council Member Sande that this recommendation be and is hereby approved. Carried 13 votes affirmative.

APPROVE ON-SALE BEER LICENSE FOR GRAND  
FORKS PROFESSIONAL BASEBALL, INC.

Committee No. 2, Public Safety, reported having considered the application for renewal of on-sale beer license by Grand Forks Professional Baseball, inc. at Kraft Field for term expiring October 31, 1997, and recommended approval of the application contingent upon approval by police, fire, health and inspection departments.

It was moved by Council Member Glassheim and seconded by Council Member Sande that this recommendation be and is hereby approved. Carried 13 votes affirmative.

APPROVE FEDERAL ASSURANCE CERTIFICATION FOR  
GRANT APPLICATIONS WITH ND DEPARTMENT OF HEALTH

Committee No. 2, Public Safety, reported having considered the matter of federal assurance certification for grant applicants with North Dakota Department of Health for period July 1, 1997 through June 30, 1999, and recommended approval pending review and approval by the city attorney.

It was moved by Council Member Glassheim and seconded by Council Member Sande that this recommendation be and is hereby approved. Carried 13 votes

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affirmative.

#### APPROVE BUDGET AMENDMENT

A request to amend the Health Department budget in the amount of \$1,183.00 to reflect additional Families First monies, had been reviewed and approved by the finance committee. It was moved by Council Member Glassheim and seconded by Council Member Sande that this budget amendment be approved. Carried 13 votes affirmative.

#### ASSIGN CURRENT CONTRACTS WITH DUCKSTAD CONTRACTING, INC. TO NEW ENTITY

Committee No. 3, Public Service, reported having considered the matter of assigning current contracts with Duckstad Contracting, Inc. to a new entity, and recommended that we authorize assignment of contracts with Duckstad Constructing, inc. to Duckstad Contracting, Inc., new ownership.

It was moved by Council Member Hafner and seconded by Council Member Klave that this recommendation be and is hereby approved.

Council Member Babinchak asked to be excused from voting on this matter, and it was so moved by Council Members Beyer and Klave. Carried 12 votes affirmative.

Upon call for the question and upon voice vote, the motion carried 12 votes affirmative; Council Member Babinchak abstaining.

#### APPROVE SELECTION OF ENGINEER/ARCHITECTS FOR CITY FACILITIES RESTORATION

Committee No. 3, Public Service, reported having considered the matter of expediting architect/engineer selection process for City facilities restoration, and recommended that we approve selection of engineer/architects for various projects and authorize negotiation:

- a) North End Fire Station - EAPC
- b) City Hall - EAPC
- c) Civic Auditorium - Johnson Laffen Architects
- d) Police Building - EAPC
- e) Senior Citizens Center - Schoen & Associates
- f) Water Plant - Advanced Engineering
- g) Infrastructure (street evaluation) - Advanced Engineering
- h) Wastewater System - Webster, Foster & Weston
- i) Ruth Meyer Building - Schoen & Associates.

It was moved by Council Member Hafner and seconded by Council Member Klave that this recommendation be and is hereby approved.

It was moved by Council Member Hagness and seconded by Council Member Beyer to amend the motion to authorize negotiation of civic auditorium project with EAPC, who have original plans on the building. Carried 13 votes affirmative.

Upon call for the question on the motion, as amended, and upon voice vote, the motion carried 13 votes affirmative.

ADOPT RESOLUTION RE. RENOVATION AND  
REBUILDING OF THE DOWNTOWN

The Flood Response Committee reported having considered the matter of renovation and rebuilding of the downtown, and recommended adoption of the following resolution: Document No. 7309 - Resolution

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It was moved by Council Member Hafner and seconded by Council Member Bakken that this recommendation be approved and the resolution be adopted. Carried 13 votes affirmative.

AUTHORIZE ENTERING INTO CONTRACT WITH  
CONSULTING FIRM TO ASSIST IN ADMINISTRATION  
OF THE BUYOUT PROGRAM

The Flood Response Committee reported having considered the matter of buyout program, and recommended that we authorize City officials to enter into contract with consulting firm to assist staff in administration on the buyout program.

It was moved by Council Member Hafner and seconded by Council Member Bakken that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

APPROVE BUDGET AMENDMENT FOR REMODELING  
URBAN DEVELOPMENT OFFICE TO ACCOMMODATE  
ADDITIONAL HUD CONSULTANTS

The Flood Response Committee reported having considered the matter of budget amendment, and recommended approval of budget amendment in the amount of \$125,000 for remodeling of office space and phone system at the Urban Development Office to accommodate additional HUD consultants.

It was moved by Council Member Hafner and seconded by Council Member Bakken that this recommendation be and is hereby approved. Upon roll call the following voted "aye": Council Members Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

REFER VARIOUS ITEMS TO COMMITTEE

Various items were presented to the council for consideration and/or referral to committee:

1) Council Member Sande, as chairman of the public safety committee, reminded the citizenry that we do have one-way streets and while have been

lax in enforcing, it would be appreciated if got back to using those streets as one-way, and to refrain from parking under the "no parking on this side of the street" signs and observe stop signs and red lights.

2) Council Member Klave reported that he had discussed with FEMA and SBA that in event the damage to a property exceeds \$10,000 the residents are being told will get no assistance from FEMA and asked for clarification. A rep. of FEMA stated they are looking at that and will be evaluating on a case by case basis to make additional assistance available, that the main intent of the program is to make sure people have a safe place to live so at some point make determination that if can't give enough money for minimal repair grant will go with rental assistance program and while it is initial 3 mo. are willing to extend that to 18 months if necessary. Council Member Klave stated if damage over \$10,000 residents forced into a loan and were asking if FEMA could assist in part of that and lower amount of loan money.

3) Council Member Bakken raised question re. flood insurance, that flood insurance not adequate and will FEMA pick up some of the excess costs; Mr. Conly, FEMA, stated they were encouraging everyone to apply for assistance whether or not had flood insurance and they will evaluate on case by case basis.

APPROVE CONTINUATION OF THE ONE-STOP SHOP  
FOR LICENSING OF CONTRACTORS  
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Mr. Swanson requested that the council adopt resolution encouraging the continuation of the one-stop shop and further requesting the attorney general's office to continue background checks for all local licensing, and it was so moved by Council Members Glasheim and Polovitz. Carried 13 votes affirmative.

INTRODUCE ORDINANCE RE. DEMOLITION AND  
ABATEMENT OF DANGEROUS BUILDINGS POSING  
IMMINENT RISK TO PUBLIC HEALTH AND SAFETY

Mr. Swanson advised council to give preliminary approval to an ordinance re. demolition and abatement of dangerous buildings posing imminent risk to public health and safety.

Council Member Beyer introduced an ordinance entitled "An ordinance adopting provisions of the Grand Forks City Code relating to the abatement of dangerous buildings or structures in response to a declared disaster or emergency", which was presented, read and passed on its first reading.

AUTHORIZE ENTERING INTO AGREEMENT WITH STATE  
AND FEDERAL GOVERNMENTS RE. DEMOLITION OF  
STRUCTURES AND REMOVAL OF DEBRIS

Mr. Swanson advised council to adopt a motion authorizing the proper City officials to enter into an agreement with both the State and Federal Governments regarding the demolition of structures and removal of debris.

It was moved by Council Member Beach and seconded by Council Member Glasheim that the proper City officials enter into agreements with the State and Federal Governments regarding the demolition of structures and removal of debris. Upon roll call the following voted "aye": Council

Members Beach, Polovitz, Hamerlik, Hanson, Glassheim, Carpenter, Sande, Klave, Beyer, Babinchak, Bakken, Hafner, Hagness - 13; voting "nay": none. Mayor Owens declared the motion carried.

STATUS OF BOARD OF EQUALIZATION PROCESS

Council Member Beach questioned status of Board of Equalization process; Mel Carsen, city assessor, reported that the Board of Equalization is scheduled to meet June 2, at 5:00 p.m.; Council will meet at 5:00 p.m. on June 2, 1997.

ADJOURN

It was moved by Council Member Hamerlik and seconded by Council Member Hanson that we do now adjourn. Carried 13 votes affirmative.

Respectfully submitted,

John M. Schmisek  
City Auditor

Approved:

Patricia A. Owens, Mayor